

In the Matter of the Accusation against:

SANDI LEE ALTMILLER, P.A.

Physician Assistant License No. PA 13958

Respondent.

ORDER CORRECTING NUNC PRO TUNC
CLERICAL ERRORS IN “EFFECTIVE DATE” AND “ORDERED DATE” OF
DECISION

IT IS HEREBY ORDERED that the effective date and the ordered date contained on page 3 of the Default Decision and Order in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the order to read:

- IT IS SO ORDERED **December 9, 2022.**

By: 
Juan Armenta, President

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8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against,
13 **SANDI LEE ALTMILLER, P.A.**
2709 Puder Street
14 Bakersfield, CA 93306-4653
Physician Assistant License No. PA 13958
15 Respondent.
16

Case No. 950-2022-003655

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17
18 **FINDINGS OF FACT**

19 1. On or about September 23, 2022, Complainant Rozana Khan, in her official capacity
20 as the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs, filed
21 Accusation No. 950-2022-003655 against SANDI LEE ALTMILLER, P.A. (Respondent) before
22 the Physician Assistant Board.

23 2. On or about January 13, 1997, the Physician Assistant Board (Board) issued
24 Physician Assistant License No. PA 13958 to Respondent. The Physician Assistant License was
25 in full force and effect at all times relevant to the charges brought herein, and expired on August
26 31, 2022.

27 3. On or about September 23, 2022, Christina Haydon, an employee of the Complainant
28 Agency, served by Certified Mail a copy of the Accusation No. 950-2022-003655, Statement to

Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 2709 Puder St., Bakersfield, CA 93306. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c). On or about September 29, 2022, the aforementioned documents were returned by the U.S. Postal Service marked "Unclaimed Unable to Forward." A copy of the U.S. Post Office Tracking information attached as exhibit B, and is incorporated herein by reference.

5. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 950-2022-003655.

6. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

7. The agency finds that the actual costs for investigation and prosecution are \$3,640.00 as of November 9, 2022. A copy of the Declaration of Costs of Artin DerOhanian is attached as exhibit C, and is incorporated herein by reference.

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibits A, B and C, finds that the allegations in Accusation No. 950-2022-003655 are true.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent SANDI LEE ALTMILLER, P.A.
3 has subjected her Physician Assistant License No. PA 13958 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of Service are
5 attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Physician Assistant Board is authorized to revoke Respondent's Physician
8 Assistant License based upon the following violations alleged in the Accusation:

9 a. Business and Professions Code § 3527 and § 2239 – Use of Dangerous Drugs
10 and/or Alcohol to an Extent Dangerous or Injurious to Herself or Others; and

11 b. Business and Professions Code § 3527 and § 2234 – Unprofessional Conduct

12 **ORDER**

13 IT IS SO ORDERED that Physician Assistant License No. PA 13958, heretofore issued to
14 Respondent SANDI LEE ALTMILLER, P.A., is revoked.

15 **Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a**
16 **written motion requesting that the Decision be vacated and stating the grounds relied on**
17 **within seven (7) days after service of the Decision on Respondent.** The agency in its
18 discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in
19 the statute.

20 This Decision shall become effective on December 1, 2022, at 5:00 p.m.

21 It is so ORDERED December 30, 2022

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24 FOR THE PHYSICIAN ASSISTANT
25 BOARD
26 DEPARTMENT OF CONSUMER AFFAIRS
27 STATE OF CALIFORNIA

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Exhibit A

Accusation No. 950-2022-003655,
Related Documents and Declaration of Service

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8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 950-2022-003655

12 **SANDI LEE ALTMILLER, P.A.**
13 **2709 Puder Street**
Bakersfield, CA 93306-4653

ACCUSATION

14 **Physician Assistant License No. PA 13958**

15 Respondent.

16
17
18 **PARTIES**

19 1. Rozana Khan (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Physician Assistant Board (Board), Department of Consumer Affairs.

21 2. On or about January 13, 1997, the Board issued Physician Assistant License Number
22 PA 13958 to Sandi Lee Altmiller, P.A. (Respondent). The Physician Assistant License was in
23 full force and effect at all times relevant to the charges brought herein and expired on August 31,
24 2022.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

1 4. Section 3501, subdivision (a), of the Code states:

2 (a) As used in this chapter: "Board" means the Physician Assistant Board.

3 5. Section 3504.1 of the Code states in pertinent part:

4 Protection of the public shall be the highest priority for the Physician Assistant Board in
5 exercising its licensing, regulatory, and disciplinary functions.

6 6. Section 3527 of the Code states:

7 (a) The board may order the denial of an application for, or the issuance subject to terms
8 and conditions of, or the suspension or revocation of, or the imposition of probationary conditions
9 upon a PA license after a hearing as required in Section 3528 for unprofessional conduct that
10 includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act,
11 or a violation of the regulations adopted by the board.

12 (b) The board may order the denial of an application for, or the suspension or revocation of,
13 or the imposition of probationary conditions upon, an approved program after a hearing as
14 required in Section 3528 for a violation of this chapter or the regulations adopted pursuant
15 thereto.

16 ...

17 (d) The board may order the licensee to pay the costs of monitoring the probationary
18 conditions imposed on the license.

19 (e) The expiration, cancellation, forfeiture, or suspension of a PA license by operation of
20 law or by order or decision of the board or a court of law, the placement of a license on a retired
21 status, or the voluntary surrender of a license by a licensee shall not deprive the board of
22 jurisdiction to commence or proceed with any investigation of, or action or disciplinary
23 proceeding against, the licensee or to render a decision suspending or revoking the license.

24 7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/
25 surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to
26 proceed with a disciplinary action during the period within which the license may be renewed,
27 restored, reissued or reinstated.

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MEDICAL PRACTICE ACT

8. Section 2234 of the Code states, in pertinent part:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conducts includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

. . .

(f) Any action or conduct that would have warranted the denial of a certificate.

9. Section 2239 of the Code states, in pertinent part:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Division of Medical Quality may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

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REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1399.521, states, in pertinent part:

In addition to the grounds set forth in section 3527, subd. (a), of the code the board may deny, issue, subject to terms and conditions, suspend, revoke or place on probation a physician assistant for the following causes:

(a) Any violation of the State Medical Practice Act which would constitute unprofessional conduct for a physician and surgeon.

11. California Code of Regulations, title 16, section 1399.525, states:

(a) For the purposes of the denial, suspension or revocation of a license pursuant to division 1.5 (commencing with section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under the Physician Assistant Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding such a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a physician assistant.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

(1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Medical Practice Act.

(2) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physician Assistant Practice Act.

. . .

(5) Any crime, professional misconduct, or act involving the sale, gift, administration,

1 or furnishing of narcotics or dangerous drugs or dangerous devises, as defined in Section 4022 of
2 the code.

3 ...

4 (9) Conviction for driving under the influence of drugs or alcohol.

5 **COST RECOVERY**

6 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **FACTUAL ALLEGATIONS**

11 13. On or about April 18, 2022, the Bakersfield Police Department received a call
12 notifying them about a possible intoxicated driver who while driving the wrong way on a street,
13 collided with multiple vehicles near the intersection of University Avenue and Mt. Vernon
14 Avenue in Bakersfield, California. Upon arrival at the scene at approximately 12:48 p.m., a
15 police officer made contact with Respondent's vehicle and identified Respondent as the
16 intoxicated driver. The police officer observed alcoholic beverages (an open container in the
17 center console and a full container in the passenger seat) inside the vehicle. A police officer
18 noticed Respondent "seated on the curb and she appeared to be swaying and almost falling over
19 as she sat." Upon speaking to her, the police officer was able to smell the odor of alcohol
20 emanating from Respondent's breath and person, and observed that Respondent's speech was
21 slurred. Respondent admitted to the police officer that she was driving the vehicle identified as
22 the vehicle which caused the accidents. The police officer attempted to administer certain field
23 sobriety tests to Respondent, but based upon her condition, Respondent was not able to complete
24 these tests.

25 14. At approximately 1:31 p.m. and 1:34 p.m. Respondent underwent preliminary alcohol
26 screening tests. The results revealed blood alcohol concentrations of 0.302 and 0.310,
27 respectively.

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1 15. A police officer prepared a diagram of Respondent's vehicle's collision with other
2 vehicles. Respondent admitted that she had consumed half a can of "White Claw."

3 16. The driver of a vehicle that Respondent's vehicle collided with observed just before
4 the accident that Respondent attempted to make a turn, but was too wide and came into her lane
5 and collided with her vehicle.

6 17. A witness at the scene of the accident reported that Respondent was "swerving all
7 over the place and suddenly [drove over] the center median traveling northbound in the
8 southbound lanes of Mt. Vernon Avenue." The witness followed Respondent's vehicle and
9 approached the driver's side of the car. The witness then noticed an alcoholic beverage in the
10 center console and observed that Respondent appeared to be falling asleep. Believing
11 Respondent to be heavily intoxicated, the witness removed the keys from the vehicle so
12 Respondent could no longer drive.

13 18. Based on Respondent being involved in a collision, driving the wrong way, being
14 unable to recall being involved in a collision, displaying red watery eyes, slurred speech, unsteady
15 gait, and having the odor of an alcoholic beverage on her breath and person, a police officer
16 determined that Respondent was too impaired to safely operate her motor vehicle at the time she
17 was driving and arrested her for violating Vehicle Code sections 23152, subdivision (a) [driving
18 while under the influence], and 23152, subdivision (b) [driving under the influence with a blood
19 alcohol concentration above 0.08%], and 16028, subdivision (a) [No insurance].

20 19. On or about June 29, 2022, an investigator with the Health Quality Investigations
21 Unit of the Department of Consumer Affairs interviewed Respondent. During the interview,
22 Respondent stated that she was scheduled to work and see patients on April 18, 2022, but that she
23 called her place of employment to advise them that she would not be coming in due to family
24 issues. She also stated that she takes gabapentin¹ and that this may amplify the effect of alcohol

25
26 ¹ "Gabapentin" is an anticonvulsant medication used to treat partial seizures, neuropathic
27 pain, hot flashes, and restless legs syndrome. It is recommended as one of a number of first-line
28 medications for the treatment of neuropathic pain caused by diabetic neuropathy, postherpetic
neuralgia, and central neuropathic pain. It is sold under the brand name Neurontin®, among
others. It can have potentially harmful effects when combined with opioids. It is a dangerous
drug as defined in Code section 4022.

1 and may have contributed to the collision.

2 **FIRST CAUSE FOR DISCIPLINE**

3 (Use of Dangerous Drugs and/or Alcohol to
4 an Extent Dangerous or Injurious to Herself or Others)

5 20. Respondent is subject to disciplinary action under Code section 3527 and 2239 and
6 California Code of Regulations, title 16, sections 1399.521 and 1399.525, in that Respondent
7 used, consumed, and/or self-administered dangerous drugs and/or alcoholic beverages, in a
8 manner dangerous or injurious to Respondent and others, and/or to the extent that such use
9 impaired Respondent's ability to practice medicine safely. The circumstances are as follows:

10 21. Complainant refers to and, by this reference, incorporates paragraphs 13 through 19
11 inclusive, above, as though set forth fully herein.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct)

14 22. Respondent is subject to disciplinary action under Code sections 3527 and 2234 in
15 that Respondent engaged in general unprofessional conduct.

16 23. The allegations contained in the First Cause for Discipline are incorporated herein by
17 reference as if fully set forth.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Physician Assistant Board issue a decision:

21 1. Revoking or suspending Physician Assistant Number PA 13958, issued to Sandi Lee
22 Altmiller, P.A.;

23 2. Ordering Sandi Lee Altmiller, P.A. to pay the Physician Assistant Board the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

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1 3. Ordering Sandi Lee Altmiller, P.A., if placed on probation, to pay the Physician
2 Assistant Board the costs of probation monitoring; and,

3 4. Taking such other and further action as deemed necessary and proper.
4

5 DATED: September 23, 2022

Rozana Khan

ROZANA KHAN
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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